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**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

NORTHERN DYNASTY  
MINERALS LTD. and PEBBLE  
LIMITED PARTNERSHIP,

Plaintiffs,

v.

U.S. ENVIRONMENTAL  
PROTECTION AGENCY

Defendant.

Case No. 3:24-cv-00059-SLG

**DECLARATION OF ROBERT SHAVELSON**

I, Robert William Shavelson, Jr., state and affirm as follows:

1. My name is Robert Shavelson. I am a resident of Homer, Alaska. I know these facts of my own personal knowledge and would competently testify to them if called as a witness in these proceedings.

2. I have a BA in Biology and Chemistry from Boston University, and a JD from the University of Oregon. Prior to joining Inletkeeper in 1996, I worked in the United States Senate, Oregon's Senate Majority Office, the New Jersey Department of Environmental Protection, the New Jersey Marine Sciences Consortium, and the University of Oregon's Ocean & Coastal Law Center. I learned about the Pebble Mine project in 2003, when our local utility, the Homer Electric Association, began discussing plans to provide electricity to the mine.

3. I am a member of Cook Inletkeeper and have been for many years. In addition, I worked at Cook Inletkeeper for twenty-five years, as the organization's Advocacy Director, in charge of advocacy, communications, and fundraising, and as the organization's Executive Director, where I oversaw all aspects of the nonprofit corporation. Since 2003, I have worked on—and I continue to follow—issues related to the proposed Pebble Mine, including work related to salmon and brown bear habitat protection.

4. Cook Inletkeeper is a leading advocate for watershed-based protections in the rich but threatened streams, lakes, and estuaries of the Cook Inlet watershed. This includes advocating against the proposed Pebble Mine, which will likely have disastrous

impacts on wildlife, fish populations, water quality, and local communities in the Cook Inlet. As Cook Inletkeeper's former Advocacy Director and Executive Director, and as a current member of Cook Inletkeeper, I fully supported the U.S. Environmental Protection Agency's (EPA) 404(c) Final Determination (Final Determination) that is challenged in this case. It protects the Bristol Bay watershed from large-scale mining, such as the proposed Pebble Mine, which would irreparably impact the area's wetlands, waters, and fish that depend on them. Cook Inletkeeper has been actively involved in opposing the proposed Pebble Mine for over two decades. It has held science panels, organized rallies, educated citizens and decision makers, submitted comments, joined litigation, produced economic and other reports, and used social and traditional media to oppose the proposed Pebble Mine.

5. I will be directly harmed if Pebble Mine is permitted. I have been to Bristol Bay about a half dozen times for commercial or subsistence fishing and for meetings on fish habitat. I have visited Dillingham, Naknek, and Pilot Point, and I have explored the area around one of Pebble's proposed export terminals at Amakdedori Creek on the Lower West Side of Cook Inlet. I plan to return to Bristol Bay and the west side of Cook Inlet next summer, when I will travel from Homer, across the Alaska Range and Lake Iliamna, to Naknek to fish commercially and for personal use. I will personally be harmed by any impacts to Bristol Bay salmon stemming from the proposed Pebble Mine. The Bristol Bay watershed represents the last major sockeye stronghold in world. These

DECL. OF ROBERT SHAVELSON

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salmon support my local community and feed my family. Because there will be less fish for all of us to catch, I will be harmed if the proposed Pebble Mine is permitted and built.

6. As Cook Inletkeeper's former Advocacy Director and Executive Director, and as a current member of Cook Inletkeeper, I also support Cook Inletkeeper's work to protect fish and wildlife in the Cook Inlet watershed. This work would be negatively impacted by the proposed Pebble Mine due to its impacts on brown bears and other wildlife. Cook Inlet is a global hotspot for Brown bears. Lower Cook Inlet boasts the highest concentration of brown bears in the world, and the infrastructure of the proposed Pebble Mine would fall squarely in the middle of some of their most vital habitat, cleaving a path between Katmai National Park and the McNeil State Game Refuge to the south, and Lake Clark National Park to the north. Human activities such as road construction and commercial, residential, recreational and industrial developments are known to alter brown bear habitat. If the proposed Pebble Mine were permitted, seventy-five miles of road and various port infrastructure would be constructed in known areas of high brown bear concentration. This would adversely impact denning habitat, feeding habitat, and travel corridors.

7. The proposed Pebble Mine's impacts on salmon could also be disastrous for brown bears, which rely heavily on salmon as a food source. Salmon runs in Cook Inlet are already declining due to climate change, warming streams and other factors, and the proposed Pebble Mine would only exacerbate these impacts. Less fish would result in

hungry bears. Additionally, stream contamination from mine dust and possible spills would result in contamination of fish and berries, leading to health issues for the bears that rely upon those food sources.

8. Other Cook Inlet wildlife would also be harmed by the transportation corridor were the proposed Pebble Mine to be permitted, including the southwestern population segment of northern sea otters (which are listed under the Marine Mammal Protection Act, and the Endangered Species Act) and beluga whales (listed as endangered under the Endangered Species Act). The proposed transportation corridor would disturb designated critical habitat for the southwestern population of northern sea otters and for beluga whales. The pipeline would disturb benthos, including shellfish and scallop beds, which are important food sources for otters. There is also potential for harm to the otters from boat strikes, contamination, and sedimentation. Belugas would be harmed by boat strikes, noise disturbance, and potential natural gas, diesel, and concentrate spills. Cook Inletkeeper's longstanding efforts—as well as my personal interest—in protecting these species would be undermined if the proposed Pebble Mine were permitted.

9. Cook Inletkeeper also works to guarantee lasting jobs and strong local economies. Bear viewing, sport, commercial and subsistence fishing all provide sustainable jobs, foods, and revenues for my local community. Giant open pit mines and huge toxic waste pits do not. Cook Inletkeeper is committed to protecting our wildlife and the jobs they provide in my community. Pebble Mine would damage both. The

plaintiffs in this litigation seek to reverse EPA’s important decision protecting the Bristol Bay region, and this would have devastating impacts on Cook Inletkeeper, as well as on me and my interest in continuing to engage in commercial salmon fishing, outdoor recreation activities, and wildlife viewing in the region. My interests would therefore be harmed if Plaintiffs receive the remedy they seek—vacatur of the Final Determination. It is important for Cook Inletkeeper to be involved in this lawsuit to ensure that its members’ interests—including my own—are adequately protected and that the Final Determination is allowed to stand.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 17<sup>th</sup> day of April, 2024 in Homer, Alaska.



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Robert William Shavelson, Jr.